


A Message From The District Attorney

A safe, violence-free home is not a reality for many families today. While women, men, children and elders are abused in the home, women are most often the victims of family violence, suffering from physical, emotional or sexual abuse by a partner or loved one. Studies have shown that children who live in violent homes are also at high risk for physical abuse and that nearly all experience emotional abuse by hearing or witnessing the abuse of others.



The Abuse Prevention Law offers protection to both women and men who are physically abused in family or personal relationships. These may include: husband and wife; girl friend and boy friend; high school and college students in dating relationships; children, parents, elders, grandparents, brothers and sisters, housemates, roommates or same sex partners.

I hope the information in this brochure will help you or someone you know seek protection and safety. I also hope you will work with the Assistant District Attorneys and Victim/Witness Advocates in my office to hold batterers responsible for their violent behavior through criminal prosecution.

Sincerely,

Jonathan W. Blodgett
District Attorney

Domestic Violence Definition

Domestic violence or family violence is the abuse of power and control. It is behavior used by one person to control another through force or threats. **A batterer makes a choice to:**

- **strike**
- **hit**
- **kick**
- **punch**
- **threaten**

Domestic violence includes physical and sexual attacks and threats. These violent acts are criminal and the batterer can be prosecuted for committing them. The acts are a means of controlling the victim's thoughts, feelings and behavior. The violence does not lessen over time. The threats and/or beatings generally happen more often with time, last longer and cause greater physical injuries.

Emotional abuse and insulting words are almost always part of the abuse pattern, but are not considered criminal acts. The wounds from these injuries, however, may be more difficult to heal.

Domestic violence is not caused by or provoked by the actions or inactions of the victim. Alcohol or drug abuse, depression, lack of money, lack of a job, mental illness or abuse as a child do not directly cause domestic violence. However, existing problems often create additional stress in a relationship and may increase the risk of violence. Many abusers blame the victim or other things for their violent acts and do not take responsibility for their abusive behavior.

**THERE IS NEVER
AN EXCUSE FOR VIOLENCE.**

The Legal Definition Of Abuse

Chapter 209A, the Massachusetts Abuse Prevention Act, defines abuse as:

- **actual physical abuse**
- **an attempt to harm another**
- **placing another in fear of serious physical harm**
- **causing another to engage in sexual relations by force, threat of force or duress**

The 209A Order

An Abuse Prevention Order, called a **"209A Order" or a "Restraining Order,"** is a civil court order that provides protection from physical or sexual harm caused by force, or threat of harm from a family or household member. An **Order** can be obtained against:

- **a spouse or former spouse**
- **a present or former household member**
- **a relative by blood or a present or former relative by marriage**
- **the parent of a minor child, even if the parents never married or lived together**
- **a person involved in a substantial dating relationship with the victim**

Victim Witness Advocates are located in the District Attorney's Office of each district court in Essex County and at the main office in Salem. The addresses and telephone numbers are on the back of this brochure. Please contact any Advocate with questions or concerns regarding a case.

Obtaining a 209A Order

A 209A Order can be obtained in any district, superior or probate and family court in Massachusetts. An emergency 209A Order is available through any police department after court hours and on weekends.

A sworn statement (**affidavit**) describing the facts of a recent or past incident(s) of abuse is required on the application or complaint form for a **209A Order**. It is also important to provide information about the abuser, such as work address, telephone, birth date and social security number.

Court Orders Under c. 209A

The court can order the abuser to:

- **stop or refrain from abuse**
- **have no contact with the victim**
- **vacate and remain away from a house or workplace**
- **order medical costs and property damage payments, if needed**

The court can also award temporary support and custody of minor children to the victim.

Violation of the Order

Once a **209A Order** is issued, **violation of its terms is a criminal offense** and police officers must arrest if they believe or can see that the terms of the Order were violated.

If the abuser violates the Order, **call the police immediately.** Show the **Order** to the police and explain how it was violated; for example: a punch, slap, threat, entering the house or apartment or refusing to leave, or any contact at home, the workplace, by telephone, mail or in person.

The abuser is subject to arrest if any contact with the victim is made, even if the victim initiates the contact. The court can modify or vacate the **Order** on request.

Following Arrest

Once an arrest is made and/or a criminal complaint is issued, the abuser will be charged with the crime or crimes at an **arraignment** proceeding in the district court. The judge will determine whether the defendant/abuser will be held in jail until trial or released on bail with specific conditions, such as, a 'no contact' order. If the defendant is released from custody, the court must make a reasonable effort to notify the victim.

The **Victim Witness Advocate** is available to explain the charges and the court process. Victims are provided with on-going emotional support, information, case updates and referrals for services throughout the time the case is in court.

The **Assistant District Attorney** represents the Commonwealth of Massachusetts and the victim's interests in prosecuting the case.

The Arraignment

It is important to provide the following information to the **Assistant District Attorney** before the arraignment and bail request:

- **the history of the abuse**
- **a description of the most recent abuse incident**
- **any pictures or hospital records of the injuries**
- **the location of any guns or other weapons the abuser might possess**

The **Assistant District Attorney** will bring all of this information to the attention of the Judge, along with the **safety concerns and fears** of the victim. The Judge may also consider whether the defendant is dangerous and a threat to the victim or the community.

Dangerousness Hearing

In certain cases, a **Dangerousness Hearing** may be requested by the Assistant District Attorney to hold the defendant in pre-trial detention without bail. There is a high standard of proof required to show dangerousness, as there must be “clear and convincing proof” that releasing the defendant would be a **substantial risk** to the safety of the victim and/or the community.

Pre-trial Considerations

Interviews are held before the trial date to gather information and evidence for prosecution. The safety needs of the victim and any involved children are a priority in bringing the case to trial.

Prosecution may provide the means to gain batterer's intervention services for the defendant and increased safety for the victim, as the court can require the abuser to complete a **certified** batterer's intervention program for Violation of a 209A Order. Very few batterers seek help on their own without court orders and probation supervision.

The Assistant District Attorney will consult with the victim and explain the sentence recommendation. If the defendant is found guilty or pleads to a guilty finding, the judge will give a sentence that may include drug or alcohol counseling, supervised probation and/or jail time, **in addition to** batterer's intervention.

Risk of Harm and Safety

The most dangerous time is when the victim is leaving the batterer. The batterer may feel a loss of control and become dangerously angry. Taking steps to protect yourself from abuse may cause an increase in the level or type of abuse or punishment from your abuser. **Please trust your**

instincts and protect yourself. You know your situation better than anyone else.

Suggestions for Protection

Develop a safety plan that includes an escape plan for you and your children should a violent incident occur. During an incident, try to move away from the kitchen area where access to weapons might increase your risk.

Call the police or leave the house as soon as possible after an abusive incident. The police will respond and stay with you until you are in a safe place and help you seek medical treatment. If you feel you are in danger, dial the police number or 911 and hang up before it rings; the **redial button** will automatically call the police if you need them quickly.

Be alert when leaving the courthouse. If you have any reason to believe your abuser may be waiting for you, please ask someone in the **District Attorney's Office** or a **Court Advocate** to ask for a police escort.

Guns or weapons can be ordered turned over to the police by the judge, along with a license to carry the guns and FID card. The police can also search for and take custody of a gun or weapon if you request it and give them permission to search your home.

Consider changing the locks on your home. The judge can order the abuser to turn over the keys to your home and/or your car. Keep an extra set of keys in a safe place.

Inform your neighbors if a **209A Order** is in place. Encourage them to call the police if they see or suspect something is wrong. **Make copies of important papers** and keep

them in a safe place. Make a list of the things you need to take with you (birth/medical records, marriage license, check and bank books, credit cards, medications).

Keep emergency money and extra clothes for yourself and your children in a safe place or with someone you trust. Include a few toys and favorite things for the children.

Keep the victim service agency number handy for **emergency shelter** and for support groups. You do not have to leave the abuser or have a **209A order** to attend the support groups. **Information and support in making decisions is important.**

Get medical attention as you may be injured much more seriously than you realize. Go to a hospital emergency room or to your private doctor as soon as possible for treatment. Ask for a copy of the treatment record.

Have pictures taken of your injuries and bruises at the hospital, police department, shelter or District Attorney's Office.

The Victim Rights Law

District Attorney Jonathan W. Blodgett's Victim Witness Services Program provides information, assistance and referral resources to crime victims, their family members, and witnesses as mandated by Massachusetts General Laws, chapter 258B, The Victim Rights Law.

Essex County Offices District Attorney Jonathan W. Blodgett Victim Witness Services

Main Office (978) 745-6610
TTY (978) 741-3163
mass.gov/essexda

Gloucester District Court
197 Main Street
Gloucester, MA 01930
(978) 283-3701

Haverhill District Court
James P. Ginty Blvd.
Haverhill, MA 01830
(978) 374-0380

Ipswich District Court
188 State Street
Newburyport, MA 01950
(978) 462-3511

Lawrence District Court
Fenton Judicial Center
Two Appleton Street
Lawrence, MA 01840
(978) 683-4300

Lawrence Domestic Violence Unit
Fenton Judicial Center
Two Appleton Street
Lawrence, MA 01840
(978) 683-4300

Lawrence Juvenile Court
10 Railroad Avenue
Lawrence, MA 01841
(978) 725-8810

Lynn District Court
580 Essex Street
Lynn, MA 01901
(781) 593-1850

Lynn Domestic Violence Unit
LEO Building
100 Willow St.
Lynn, MA 01901
(781) 599-8094

Lynn Juvenile Court
139 Central Avenue
Lynn, MA 01901
(781) 599-3890

Newburyport District Court
188 State Street
Newburyport, MA 01950
(978) 462-3511

Peabody District Court
One Lowell Street
Peabody, MA 01960
(978) 532-4140

Salem District Court
65 Washington Street
Salem, MA 01970
(978) 744-5681

Salem Juvenile Court
45 Congress Street
Salem, MA 01970
(978) 744-1562

Essex District Attorney Jonathan W. Blodgett

DOMESTIC VIOLENCE



THE LAW AND YOUR RIGHT TO BE SAFE